

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 09-0048

STATE OF MONTANA

Plaintiff and Appellee,

v.

NICOLE GUILL,

Defendant and Appellant.

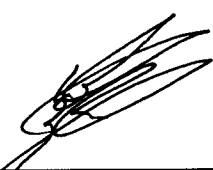
FILED

APR 05 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

THIRD MOTION FOR EXTENSION OF TIME

COMES NOW, Colin M. Stephens, counsel of record for Defendant and Appellant, and respectfully requests a third extension of time until May 13, 2010, in which to prepare, file and serve the Appellant's opening brief in the above entitled matter. *See* attached affidavit. Opposing counsel has been contacted concerning this motion and does not object.

DATED this 3th day of April, 2010

COLIN M. STEPHENS
SMITH & STEPHENS, P.C.
Attorney for the Appellant

CERTIFICATE OF SERVICE

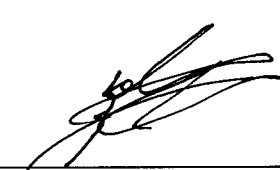
I hereby certify that I caused a true and accurate copy of the Motion for Extension of Time to be mailed to:

COLEEN MAGERA
Sanders County Attorney
P.O. Box 519
Thompson Falls, MT 59873-0519

STEVE R. BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
Helena, MT 59620-1401

NICOLE GUILL 3000065
Montana Women's Prison
701 South 27th Street
Billings, MT 59101

DATED: 4/5/10



Colin M. Stephens

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA 09-0048

STATE OF MONTANA,

Plaintiff and Appellee,

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Defendant and Appellant.

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

AFFIDAVIT OF COLIN M. STEPHENS

STATE OF MONTANA)

:

County of Missoula)

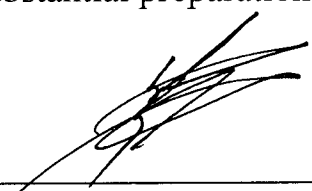
I, Colin M. Stephens, after being first sworn, hereby state as follows:

- 1) I have been appointed by the Office of the State Appellate Defender (OSAD) to represent the Appellant in this Matter, Nicole Candice Guill.
- 2) Although this is my second request for a continuance in this matter, there have been previous requests from Mrs. Guill's prior counsel.
- 3) I am requesting a continuance of thirty (30) days to complete the Appellant's Opening Brief. The reason for the request is because of the complexity of Mrs. Guill's case and my pending work-load. Mrs. Guill's

file, as presented to me by the OSAD consists of five (5) bankers' boxes of files and numerous volumes of transcripts.

- 4) I have been unable to devote my full attention to Ms. Guill's case due to a complex federal conspiracy trial that I tried in Billings.

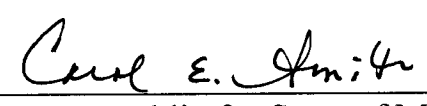
Further, I have oral argument schedule for April 21, 2010, in this Court for *State v. Sellers*, DA-09-566 & DA-09-605. *Sellers* presents an issue of first impression for this Court and will require substantial preparation.



Colin M. Stephens
SMITH & STEPHENS, P.C.
Attorney for Mrs. Guill

SUBSCRIBED AND SWORN TO before me the undersigned Notary Public this
5th day of April, 2010.

(SEAL)



Notary Public for State of Montana
Residing at Missoula, MT

My Commission Expires: 3-13-2011

